

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA <i>ex rel.</i>)	
DIANA SALVATORE, and DIANA M.)	Civil Action No. 11-1157
SALVATORE,)	
)	
Plaintiffs,)	United States District Judge
)	Mark R. Hornak
)	
v.)	
)	
MICHAEL FLEMING, TAYLOR)	United States Magistrate Judge
MANAGEMENT, INC., and DIXIE)	Cynthia Reed Eddy
REALTY, INC., d/b/a BUY-N-SELL)	
Real Estate,)	
)	
Defendants.)	

MEMORANDUM ORDER

Mark R. Hornak, United States District Judge

On September 15, 2011, the above captioned case was filed under seal in this Court, and on October 27, 2011, it was referred to a Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

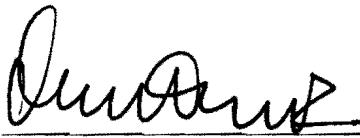
On February 24, 2015, United States Magistrate Judge Cynthia Reed Eddy issued her Report and Recommendation (ECF No. 71) in which she recommended that Defendant Michael Fleming's Motion to Dismiss (ECF No. 61) the crossclaims for indemnification and/or contribution asserted by Defendant Dixie Realty, Inc. be granted, and that Dixie Realty, Inc. be given leave to amend its pleading. The parties were given the opportunity to file Objections to the Report and Recommendation. No Objections have been filed to this Report and Recommendation.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 25th day of March, 2015, **IT IS HEREBY ORDERED** that the Motion to Dismiss (ECF No.61) Defendant Dixie Realty, Inc.'s crossclaims for indemnification and/or contribution is **GRANTED** on the terms set forth in the Report and Recommendation.

IT IS FURTHER ORDERED THAT Dixie Realty, Inc. may amend its pleading entitled "Answer, Defenses, and Crossclaims" on or before April 8, 2015.

IT IS FURTHER ORDERED THAT the Report and Recommendation is adopted as the Opinion of the Court, as modified by this Order¹.



Mark R. Hornak
United States District Judge

cc: all ECF registered counsel

¹ The Court does not at this point adopt footnote 5 of the Report and Recommendation, reserving the ruling on the matters addressed in it to such time as they would become ripe for actual adjudication in the event of a cross-claim based on "independent liability". This does not in any way affect the disposition as set forth in the Report and Recommendation or in this Order.